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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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05/29/2001

Jyoji Wada

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05/02/2006

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EXAMINER

SELBY, GEVELL V

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/856,889

Applicant(s)

WADA ET AL.

Examiner

Gevell Selby

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/6/06 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

“a storage means in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history of the surveillance camera, wherein the status amount recorded in said temporary storage means is recorded in said storage means as the operation history of the surveillance camera at constant time intervals of a predetermined time period which is longer than said predetermined time span” as claimed in claim 1. The applicant also submits that there is no motivation to combine Kivolowitz and Wakiyama. The Examiner respectfully disagrees.

Examiner's Reply:

2. Re claim 1) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The Kivolowitz reference discloses a storage means (buffer circuit 30) in the surveillance camera formed of a rewritable memory for recording data (see column 4, lines 28-34), including operation history (see column 4, lines 4-26 operating parameters, environmental factors and time code) of the surveillance camera, wherein the status amount recorded in said temporary storage means (latch circuit 28) is recorded in said storage means as the operation history of the

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surveillance camera at constant time intervals (at regular intervals at rate of 120 Hz) of a predetermined time period (time to record data for a frame in the latch and then forward it to the buffer) which is longer than said predetermined time span (time to record a data for a frame). It is inherent the predetermined time period to write to the storage means is longer than the time span to write to the temporary storage means because the data is first written to the temporary storage means and then to the storage means and the purpose of a temporary storage means or buffer is to have a shorter write time than writing to the main storage to save processing time.

The Kivolowitz reference does not disclose a storage means in the surveillance camera formed of a non-volatile memory for recording history data. The Wakiyama reference discloses a surveillance camera comprising a storage means (EEPROM) in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history (counts a preset operation number of times or a preset operation time) of the surveillance camera (see abstract). The reference also discloses the history data is written to the storage means at constant time intervals of an hour or a day (see para. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kivolowitz, in view of Wakiyama et al., to have a storage means in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history of the surveillance camera, wherein the status amount recorded in said temporary storage means is recorded in said storage means as the operation history of the surveillance camera at constant time intervals of a predetermined time period which is longer than said predetermined time span, in order to save the data when power is loss and the data cannot be transferred to the control station, making the camera more reliable.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is general knowledge available to one of ordinary skill in the art to modify a rewritable volatile memory with a rewritable non-volatile memory to save the data when power is lost, making the camera more reliable.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kivolowitz, US 5,881,321 in view of Wakiyama et al., JP 2000-032438.**

In regard to claim 1, Kivolowitz, US 5,881,321, discloses a surveillance camera apparatus (see figure 1, elements 10 and 14 and see column 3, lines 16-18: The camera records a scene or area so it is interpreted as a surveillance camera) comprising:

a surveillance camera (see figure 1, elements 10 and 14)

a temporary storage means (see figure 2, element 28) in the surveillance camera for recording a status amount of an operation of the surveillance camera at constant time intervals of a predetermined time span (time to record a data for a frame) (see column 4, lines 28-34);

a storage means (buffer circuit 30) in the surveillance camera formed of a rewritable memory for recording data (see column 4, lines 28-34), including operation history (see column 4, lines 4-26 operating parameters, environmental factors and time code) of the surveillance camera,

wherein the status amount recorded in said temporary storage means (latch circuit 28) is recorded in said storage means as the operation history of the surveillance camera at constant time intervals (at regular intervals at rate of 120 Hz) of a predetermined time period (time to record data for a frame in the latch and then forward it to the buffer) which is longer than said predetermined time span (time to record a data for a frame). It is inherent the predetermined time period to write to the storage means is longer than the time span to write to the temporary storage means because the data is first written to the temporary storage means and then to the storage means and the purpose of a temporary storage means or buffer is to have a shorter write time than writing to the main storage to save processing time.

The Kivolowitz reference does not disclose a storage means in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history of the surveillance camera.

Wakiyama et al., JP 2000-032438, discloses a surveillance camera comprising a storage means (EEPROM) in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history (counts a preset operation number of times or a preset operation time) of the surveillance camera (see abstract). The reference also discloses the history data is written to the storage means at constant time intervals of an hour or a day (see para. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, to have a storage means in the surveillance camera formed of a rewritable non-volatile memory for recording data, including operation history of the surveillance camera, wherein the status amount recorded in said temporary storage means is recorded in said storage means as the operation history of the surveillance camera at constant time intervals of a predetermined time period which is longer than said predetermined time span, in order to save the data when power is loss and the data cannot be transferred to the control station, making the camera more reliable.

In regard to claim 2, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. The Wakiyama reference discloses wherein storage means records an accumulated number of preset operations executed during the predetermined time period of the operation history (see abstract).

In regard to claim 3, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. The

Kivolowitz reference discloses wherein the storage means records times of automatic panning operations as operation history (see column 5, lines 14-17 and 32-37: The all camera movements including panning are saved with the position).

In regard to claim 4, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. It is inherent the Kivolowitz reference comprises a power supply for supplying for to the surveillance camera because it is an electrical device that needs power to turn on and operate. The Kivolowitz reference discloses a time code generator that stores the time code in the latch circuit (see column 4, lines 24-26). The two references do not disclose wherein the storage means records accumulated turn-on times of a power supply executed during the predetermined time period as the operation history.

The Official Notice taken stating that is well known in the art to record the time when the power supply is turned on and to continue the record the time in order to have an accurate time associated with the video of a camera is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the memory of the Kivolowitz reference to store the time code when the power is turned on and continue the store the time during the predetermined time periods in order to maintain an accurate time associated with the images captured by the camera.



In regard to claim 5, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. The two references do not disclose further comprising a filter changing unit, wherein the storage means records a number of filter changing unit operations for changing a filter of the camera executed during the predetermined time period as the operation history.

The Official Notice taken in stating that is well known in the art to store a number of operations for changing a filter in a camera with multiple filters in order to move the appropriate filter into place according to what light the camera is recording in to create a higher quality image is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to configure the Kivolowitz reference to have a filter changing unit, wherein the storage means records a number of filter changing unit operations for changing a filter of the camera executed during the predetermined time period as the operation history, in order to create higher quality images.

In regard to claim 6, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. The Kivolowitz reference discloses wherein the storage means records an accumulated number of coordinate system resetting operations for resetting coordinate data of the camera executed during the predetermined time period as the operation history (see column 5, lines 4-16).

In regard to claim 7, Kivolowitz, US 5,881,321, in view of Wakiyama et al., JP 2000-032438, discloses a surveillance camera apparatus according to claim 1. Kivolowitz discloses wherein the temperature and other environmental factors may be stored with other operating parameters because they may have an affect on the measurements (see column 4, lines 13-16). The Wakiyama reference discloses comprising an internal temperature sensor (7) for obtaining a temperature with the surveillance camera (see para. 14), wherein the storage means records a maximum temperature and a minimum temperature within the camera obtained during the predetermined time period as operation history (see para. 22: It is inherent the max and min temperature will be stored when all the measured temperatures are saved in the memory).

### *Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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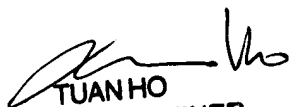
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gvs

  
TUAN HO  
PRIMARY EXAMINER